

# EXHIBIT 2

IN THE SUPREME COURT OF BERMUDA

CIVIL JURISDICTION

COMMERCIAL LIST

2010: 454



BETWEEN:

KINGATE GLOBAL FUND LIMITED (IN LIQUIDATION)

First Plaintiff

KINGATE EURO FUND LIMITED (IN LIQUIDATION)

Second Plaintiff

and

KINGATE MANAGEMENT LIMITED

First Defendant

FIM LIMITED

Second Defendant

FIM ADVISERS LLP

Third Defendant

FIRST PENINSULA TRUSTEES LIMITED (AS TRUSTEE OF THE ASHBY TRUST)

Fourth Defendant

PORT OF HERCULES TRUSTEES LIMITED (AS TRUSTEE OF THE EL PRELA TRUST)

Fifth Defendant

ASHBY HOLDING SERVICES LIMITED

Sixth Defendant

EL PRELA GROUP HOLDING SERVICES LIMITED

Seventh Defendant

MR CARLO GROSSO

Eighth Defendant

MR FEDERICO CERETTI

Ninth Defendant

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WRIT OF SUMMONS (GENERAL FORM)

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ELIZABETH THE SECOND, by the Grace of God, of the  
United Kingdom of Great Britain and Northern Ireland and  
of Our other realms and territories Queen, Head of the  
Commonwealth, Defender of the Faith.

**TO: KINGATE MANAGEMENT LIMITED**

**Hemisphere House  
9 Church Street  
P.O. Box HM951  
Hamilton HM DX  
Bermuda**

**FIM LIMITED  
Buchanan House  
1<sup>st</sup> Floor  
3 St. James's Square  
London, SW1Y 4JU  
England**

**FIM ADVISERS LLP  
Buchanan House  
3 St James Square  
London  
SW1Y 4JU  
England**

**FIRST PENINSULA TRUSTEES LIMITED (AS  
TRUSTEE OF THE ASHBY TRUST)  
80 Broad Street  
Monrovia  
Republic of Liberia**

**PORT OF HERCULES TRUSTEES LIMITED (AS  
TRUSTEE OF THE EL PRELA TRUST)  
Palm Grove House  
PO Box 438  
Wickhams Cay 1  
Road Town  
Tortola  
British Virgin Islands VG 1110**

**ASHBY HOLDING SERVICES LIMITED  
Palm Grove House  
PO Box 438  
Wickhams Cay 1  
Road Town  
Tortola  
British Virgin Islands VG 1110**

**EL PRELA GROUP HOLDING SERVICES  
LIMITED**  
Palm Grove House  
PO Box 438  
Wickhams Cay 1  
Road Town  
Tortola  
British Virgin Islands VG 1110

**MR CARLO GROSSO**  
22 Cathcart Road  
London  
SW10 9NN  
England

**MR FEDERICO CERETTI**  
37 Queens Gate Gardens  
London  
SW7 5RR  
England

We command you that within 14 days after the service of this writ on you, inclusive of the day of service, you do cause an appearance to be entered for you in an action at the suit of KINGATE GLOBAL FUND LIMITED (IN LIQUIDATION) and KINGATE EURO FUND LIMITED (IN LIQUIDATION), and take notice that in default of your so doing the First Plaintiff and Second Plaintiff may proceed therein, and judgment may be given in your absence.

Witness the Honourable Richard Ground, Q.C., Chief Justice of Our said Court the 22<sup>nd</sup> day of December 2010.

NOTE – This writ may not be served more than twelve calendar months after the above date unless renewed by order of the Court.

#### **DIRECTIONS FOR ENTERING APPEARANCE**

The Defendants may enter an appearance in person or by an attorney either (1) by handling in the appropriate forms, duly completed, at the Registry of the Supreme Court in Hamilton, Bermuda, or (2) by sending them to the Registry by post.

e Plaintiffs' claim is for:

1. The recovery of overpaid fees from the First, Fourth, Fifth, Sixth, and/or Seventh Defendants, as ultimate recipients of the fees, and/or from the Eighth and Ninth Defendants, as ultimate recipients of the fees, and/or ultimate beneficial owners of shares in the First Defendant, on the basis of unjust enrichment;
2. Alternatively, for a declaration that the First and Second Plaintiffs retain legal title in the overpaid fees and/or their traceable proceeds;
3. Alternatively, for a declaration that the First, Fourth, Fifth, Sixth, Seventh, Eighth and/or Ninth Defendants hold the overpaid fees, together with their traceable proceeds, on trust for the First and Second Plaintiffs;
4. Damages for breach of contractual and tortious duties of care and/or negligent misstatement, against the First Defendant;
5. Damages for breach of tortious duties of care and/or negligent misstatement, against the Second and Third Defendants;
6. Damages for breach of tortious duties of care and/or negligent misstatement against the Eighth and Ninth Defendants.

Dated this                      day of                      , 2010.

This Writ was issued by Sedgwick Chudleigh of the E.W. Pearman Building, 20 Brunswick Street, Hamilton HM 10, Bermuda, for the First and Second Plaintiffs, whose address for service is 20 Brunswick Street, Hamilton HM 10, Bermuda.

This Writ was served by me at \_\_\_\_\_ on the First Defendant  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

This Writ was served by me at \_\_\_\_\_ on the Second  
Defendant on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

This Writ was served by me at \_\_\_\_\_ on the Third Defendant  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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This Writ was served by me at \_\_\_\_\_ on the Fourth Defendant  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

This Writ was served by me at \_\_\_\_\_ on the Fifth Defendant  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

This Writ was served by me at \_\_\_\_\_ on the Sixth Defendant  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

This Writ was served by me at \_\_\_\_\_ on the Seventh  
Defendant on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

This Writ was served by me at \_\_\_\_\_ on the Eighth Defendant  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

This Writ was served by me at \_\_\_\_\_ on the Ninth Defendant  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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WRIT OF SUMMONS (GENERAL FORM)



SEDGWICK CHUDLEIGH

E.W. Pearman Building  
20 Brunswick Street  
Hamilton, HM 10  
Bermuda

Attorneys for the First and Second Plaintiffs

2010 DEC 22 AM 11:49